

Remarks/Arguments

Claims 1, 3-5, and 7-9 are pending in the present application. Claims 1, 3-5, and 7-9 were all rejected as being based upon a defective Reissue Declaration under 35 U.S.C. § 251. The Examiner has also requested that the Applicant submit the original 37 C.F.R. 1.312 Amendment filed by the Applicant on September 3, 2003. The September 3, 2003 § 1.312 amendment from U.S. Patent No. 6,676,502 is attached hereto.

In response to the Examiner's rejection of the Reissue Declaration, Applicant has attached a supplemental Reissue Application Declaration. On November 5, 2004, the Applicant conducted a telephone interview with the Examiner to discuss the reason for the rejection of the original Reissue Declaration. Applicant believes the original Reissue Declaration set forth a proper error upon which a reissue can be based under M.P.E.P. 1402 stating that "claim 1 being too broad." During the November 5, 2004 telephone conference, the Examiner indicated that this statement was insufficient to grant a reissue application, and suggested a new declaration be submitted including the date on which the error was detected, and the prior art on which claim 1 was believed to be inoperative in view of. Applicant can find no such requirement in the U.S.C., C.F.R., or the M.P.E.P.; however, in the interest of resolving the matter, Applicant has attached a supplemental Reissue Declaration in accordance with the Examiner's suggestion. As the Applicant has supplied a supplemental Reissue Declaration consistent with the Examiner's suggestion, Applicant respectfully requests that the Reissue Declaration be entered.

Additionally, if the attached supplemental Reissue Declaration is again found to be improper, Applicant respectfully requests a detailed explanation as to why the

supplemental Reissue Declaration is inoperative in view of the M.P.E.P. § 1402 and 1414 requirements.

Conclusion:

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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Attachment